

Floyd Petersen, Mayor Stan Brauer, Mayor pro tempore Robert Christman, Councilmember Robert Ziprick, Councilmember Charles Umeda, Councilmember

COUNCIL AGENDA:

November 15, 2005

TO:

City Council

VIA:

Dennis R. Halloway, City Manager

FROM:

Deborah Woldruff, AICP, Community Development Director

SUBJECT:

DEVELOPMENT CODE AMENDMENT (DCA) NOS. 05-01 (PAROLEE HOMES). THE CITY OF LOMA LINDA IS REQUESTING THE ADOPTION OF AN ORDINANCE TO ADD THE "PAROLEE HOMES" TITLE IN TO THE LOMA

LINDA MUNICIPAL CODE (LLMC).

RECOMMENDATION

The recommendation is that the City Council takes the following actions:

- 1. Approve and Adopt the following Ordinances for the Parolee Homes City wide:
 - a. Council Bill #O-2005-18 (Urgency Ordinance) Development Code Amendment No. 05-01, Amending the Development Code to add Chapter 17.31 to the Title 17 of the Municipal Code (Attachment 1);
 - b. Council Bill #O-2005-19 (Ordinance) (First Reading/Set Second Reading for December 13, 2005) Adopting Chapter 17.31 for establishing a Parolee Homes establishment within the City of Loma Linda with a Conditional Use Permit and a set of development standards (Attachment 2).

BACKGROUND

In October 2005, the Administrative Department requested Community Development staff to amend the LLMC to require a Conditional Use Permit for parolee homes of two (2) to six (6) persons per dwelling unit within the City of Loma Linda as an Urgency Ordinance that will be replaced by a permanent ordinance.

On November 9, 2005 Planning Commission Meeting, the Commission opened the public hearing. The City Attorney stated that the draft ordinance continues to evolve as we polish the language and strive for compliance with sate law. After hearing public and staff comments, the

Commission forwarded a recommendation to approve and adopt the proposed ordinance with City Attorney's recommendations.

Currently, the LLMC does not address the establishment of parolee homes within any residential zones either as permitted or conditionally permitted. However, City recently experienced several requests for parolee homes within the residential zones, especially with the single-family residential zones. Given the interest in this type of use, there is a need to establish more stringent regulations to address potential land use impacts to surrounding residential properties and neighborhoods.

ANALYSIS

Project Description

The project is a City initiated request to amend the LLMC, Title 17 to add chapter 17.31, <u>Parolee Homes</u>, as follows: "All parolee homes located within any residential zone shall require a Conditional Use Permit". The actual amendment language is attached to this report. The proposal would affect all residentially zoned properties within the city limits. Staff proposes the adoption of an urgency ordinance that will be replaced by permanent ordinance. The urgency ordinance would become effective immediately upon adoption.

Public Comments

On October 18, 2005, the Administrative Review Committee (ARC) reviewed the proposal and no comments or concerns were raised. As of writing of this report, staff received two phone calls from Ms. Teresa Herbert and Mr. Jonathan Zirkle who are in favor of this amendment. Ms. Herbert and Ms. Lisa Lampman both spoke during the public hearing on November 9th. There were at least 15 people in the audience from the Scotch lane area who are concerned about the potential of a parolee home being placed in their neighborhood. Ms. Herbert acted as their representative and spoke in their behalf. Her testimony was extensive and she provided additional information about the state licensing process and insights on the parolee home industry. Ms. Herbert also provided her comments in writing (Attachment 3).

Analysis

In recent months, the cities of the Inland Empire have experienced multiple inquiries to establish parolee homes in residential zones. Recent changes to state laws that regulate the establishment and operation of parolee homes and group homes alike, gives local jurisdictions an option to adopt ordinances to monitor the number of group homes being established in specific areas or sections of a city.

Many neighboring cities, such as the Cities of Redlands, Yucaipa, and Fontana are in the process of adopting or have adopted ordinances to regulate the concentration of parolee homes within their city limits. Additionally, studies have shown that the parolee homes require added public services from the cities in which they are located, and placed an undue burden on the public safety and welfare of local residents.

The proposed ordinance will provide the City with a way to monitor and permit the number of parolee establishments located within the City of Loma Linda and to continue to provide the best possible public service to the residents. In turn, this will allow the city to better assess and allocate its public service resources and provide better coverage.

As stated, the amendment would affect all residentially zoned properties within the city limits. The parolee homes outside of the city limits would be governed and reviewed by the County of San Bernardino or the neighboring city jurisdictions.

Findings

Text amendments to zoning documents are considered legislative acts and do not require findings. However, State law does require that the zoning be consistent with the General Plan. Policy Nos. 4 and 6 in the existing General Plan states the following:

"The quality of living in Loma Linda is of paramount concern, and standards should be developed for evaluating programs and policies to achieve this end."

"Adequate housing is necessary for the well-being of Loma Linda citizens and should be available in diverse types and styles in a variety of locations for all economic segments of the community and for all persons regardless of age, race and ethnic background."

Loma Linda is a small, university town that is revered for its small town atmosphere and friendly neighborhoods. Parolee homes are necessary for parolee's to transition back into society after serving their time in prison. However, the establishment of these facilities with no local regulation invites over saturation in sensitive areas and may lead to neighborhood deterioration and blight. The proposed ordinance will establish a method of regulating these types of homes and provide a means of measuring their effects on surrounding land uses and determining public service needs. In short, the proposed ordinance will help to maintain the quality of life in Loma Linda neighborhoods while ensuring that adequate housing is provided, including parolee homes which are diverse housing types.

The Housing Element in the Draft General Plan (October 2005) indicates that more than 1.01 person per room, excluding kitchens and bathrooms, are considered "overcrowding" and 1.51 person per room is considered "severe overcrowding". Draft Policy 5.3.3. encourages that the City actively provide housing needs of the residents in all areas of economic segments and lowering the rate of overcrowding by facilitating the development of affordable housing projects, use of density bonuses, priority of lower income housing projects, etc.

In the existing General Plan, the policies for residential uses do not identify parolee homes as permitted or conditionally permitted uses. The policies refer to providing a quality of living and to provide a diverse type and style of homes for all economic segments. The residential designations in the Draft General Plan (October 2005) also do not identify parolee homes as permitted or conditionally permitted uses. Based on the preceding, staff finds that the proposed amendment is a necessary addition to be consistent with the policies outlined in the existing and draft General Plans.

ENVIRONMENTAL

California Environmental Quality Act (CEQA) Compliance

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15061(b)(3), which states the activity is covered by the general rule that CEQA applies only to projects [that] have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Amending the City of Loma Linda Municipal Code to require a Conditional Use Permit for parolee homes of two (2) to six (6) persons per dwelling unit would not result in any significant environmental impacts because residential uses are permitted within residential zones.

FINANCIAL IMPACT

The exact fiscal impact is unknown; however, the cost associated with the establishment of parolee homes, additional public services (e. g.: police services, fire services, code enforcement, etc.), can be monitored and better assessed through some method of review. Without the ordinance, the city has no mechanism to review or monitor the number and proximity of such establishments. Additionally, the city must provide public services that could drain city's current resource coverage. If the proposed ordinance is adopted, each proposed establishment will pay the Conditional Use Permit application fee and appropriate inspection fee.

ATTACHMENTS

- 1. Council Bill #O-2005-18 (Urgency Ordinance) Exhibit A Text Amendment
- 2. Council Bill #O-2005-19 (Ordinance) Exhibit A Text Amendment
- 3. Ms. Herbert's Letter

1:\Ordinances\Parolee Home\CCSR 11-15-05.doc

Attachment 1

Council Bill #O-2005-18 (Urgency Ordinance)

November 15, 2005

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA ADDING CHAPTER 17.31 TO TITLE 17 OF THE LOMA LINDA MUNICIPAL CODE REQUIRING THE APPROVAL OF A CONDITIONAL USE PERMIT AND ESTABLISHING STANDARDS AND DEFINITIONS FOR PAROLEE HOMES IN ALL RESIDENTIAL ZONES

THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES HEREBY ORDAIN AS

FOLLOWS:

WHEREAS, the Land Use Element of the Loma Linda General Plan requires the City to encourage a harmonious mix of residential, commercial and industrial land uses which will generate sufficient tax revenues to pay the costs of maintaining the desired levels of services and adequate infrastructure facilities, and it also states that the City will "Require that the design and siting of new residential development meet locational and development standards that ensure compatibility with adjacent land uses and community character", and

WHEREAS, the proposed amendment to the Land Use Development Code is consistent with the goals and policies of the City of Loma Linda General Plan, and

WHEREAS, the City has a responsibility to assure adherence to the General Plan in meeting the needs and desires of its residents and the community in general, and

WHEREAS, the Planning Commission of the City has considered these proposed amendments at a duly noticed public hearing on November 9, 2005, and recommended that the City Council adopt the proposed amendments, and

WHEREAS, the Department of Community Development of the City has evaluated the potential environmental impacts that could result from the adoption of an ordinance establishing standards and review procedures for parolee homes in the City, and has found that the proposed zoning regulations are categorically exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines, and

WHEREAS, the City Council has reviewed and considered the information in the Agenda Report, as well as public testimony presented at the hearing.

THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES ORDAIN AS FOLLOWS:

Section 1. Findings, Purpose and Intent.

- A. This Ordinance is adopted by the City Council pursuant to the City's police powers to protect the health, safety, and welfare of the public.
- B. The Land Use Development Code provides for the orderly use and development of all property in the City. However, the Code, as adopted, does not provide procedures or standards for the review of overall compatibility of land uses for residential dwelling units that are being operated as "parolee homes." For the reasons set forth below, and to create locational and development standards that ensure greater compatibility with surrounding land uses and community character, the City Council finds that it is desirable to review and consider the adoption of design standards and review procedures as part of the City's development code.

- C. Parolee homes pose a threat to the health, safety and welfare of the public because they generate a disproportionate number of calls for police services, thus reducing the general availability of police officers to other areas of the community, and unduly pose a burden on police services.
- D. The City Council has received reports from the Police Department that document the occurrence of problems associated with parolee homes that require a substantial level of proactive monitoring to adequately protect the safety and welfare of the residents that reside in the community.
- E. The City Council finds that the overall use and development of land should be designed for the protection of the public health, safety and welfare; that it is important to ensure that the establishment of parolee homes conforms to a plan of logical and orderly development of the land, and that present and future parolee homes be compatible with surrounding land uses; and that incompatible land uses would be aesthetically displeasing, economically detrimental, and harmful to the public health, safety and welfare.
- Section 2. Chapter 17.31 is added to Title 17 of the Loma Linda Municipal Code, to read as follows:

Chapter 17.31

PAROLEE HOMES

Sections:

17.31.010	Purpose
17.31.020	Definitions
17.31.030	Conditional Use Permit Requirements
17.31.040	Location Requirements
17.31.050	Conditions
17.31.060	Revocation

17.31.10 Purpose.

The purpose of this chapter is to give the city the opportunity to review and monitor the public service needs to provide the best possible service to the residences within the city limits with some establishments of parolee homes in all residential zones.

17.31.020 Definitions

Parolee, Federal means an individual convicted of a federal crime, sentenced to a United States federal prison, and who has received conditional and revocable release in the community under the supervision of a Federal parole officer.

Parolee, State Adult means an individual who is serving a period of supervised community custody, as defined in Penal Code Section 3000, following a term of imprisonment in a state prison, and is under the jurisdiction of the California department or Correction, Parole and Community Services Division.

Parolee, Youth Authority means an adult or juvenile individual sentenced to a term in the California Youth Authority, and who has received conditional and revocable release in the community under the supervision of a Youth Authority parole officer.

Parolee Home means any residential structure or unit, whether owned and/or operated by an individual or for-profit or non-profit entity, which houses between two (2) to six (6) parolees, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee and/or any individual or public/private entity on behalf of the parolee.

17.31.030 Conditional Use Permit Requirements

A Conditional Use Permit shall be required for the new establishment of any type of land use that proposes to house between two (2) to six (6) parolees. In addition, a new Conditional Use Permit shall be required for the following:

- 1. Existing parolee homes, unless lawfully established prior to the effective date of the ordinance.
- 2. Any changes in the operating conditions from what was originally approved by the city, including, but not limited to, number of parolees.
- 3. Any changes in the operating conditions of existing parolee homes lawfully established prior to the effective date of the ordinance.
- 4. Sale, transfer, or new lease agreement of a parolee home to another individual, entity, etc.
- 5. An existing parolee home discontinued for a consecutive period of thirty (30 days is deemed abandoned and shall be required to obtain a new conditional use permit.

17.31.40 Location Requirements

- In evaluating requests for parolee homes, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses on the same or surrounding sites, the compatibility of the proposed use with neighboring uses (i.e., schools, parks, and other similar uses), and ensuring that no adverse effects on the public health, safety, or general welfare will be created by the proposed use.
- 2. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 660 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, or other similar uses.
- 3. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 1,320 feet away from an existing parolee home or other similar uses.

17.31.050 Operational Requirements

4.

In addition to any other conditions imposed by the Planning Commission pursuant to Chapter 17.30.210 of this Code to safeguard the public health, safety, and general welfare, a conditional use permit for a parolee home shall meet the following conditions:

- 1. Each parolee home or "parolee home" unit is limited to a maximum number of six (6) parolees with each bedroom not exceeding two (2) parolees.
- 2. Multi-family residential projects with less than twenty-five (25) units shall be limited to one (1) "parolee home" unit.

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- 3. Multi-family residential projects with twenty-five (25) or more units shall be limited to two (2) "parolee home" units.
- 4. City staff shall prepare an annual status report on the parolee home for the Planning Commission's review and consideration.
- 5. The property owner or a designated on-site manager must live on the site of the parolee home.
- 6. The police department shall be provided a weekly update of the names of all parolees currently living at the parolee home.
- 7. Each Parolee home or "parolee unit" shall obtain and maintain any and all required state or federal permits, with notice thereof to the City, and shall comply with all state and federal laws and regulations.

17.31.060 **Revocation**

Pursuant to Chapter 17.30.460 of this Code, the planning commission may revoke a conditional use permit. The revocation hearing must be noticed and a public hearing as required in Chapter 17.30.415 of this Code and the planning commission must make the necessary findings to revoke the conditional use permit as set forth in Chapter 17.30.460 of this Code.

Section 2. Penalties. If any person shall violate any of the provisions of this Ordinance, or fail to comply with any of the mandatory requirements of this Ordinance, he shall be guilty of an infraction. Any person convicted of an infraction under the provisions of a City Ordinance shall be punishable by (1) a fine of not more than one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Ordinance within one year and (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same Ordinance within one year. Each such person shall be deemed guilty of a separate offense for every day during such portion of which any violation of this Ordinance is committed, continued or permitted by such person, and shall be punishable therefore as provided by this Ordinance.

Section 3. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. Posting. Prior to the expiration of fifteen (15) days from its passage, the City Clerk shall cause this Ordinance to be posted pursuant to law in three (3) public places designated for such purpose by the City Council.

Section 5. Urgency Ordinance. This Ordinance is hereby declared to be an urgency ordinance to take effect immediately upon the passage by a four-fifths vote for the immediate preservation of the public peace, health, and safety and welfare of persons and property in the Cy of Loma Linda, and shall take effect immediately in accordance with Section 36937 of the Government Code.

The facts establishing the necessity for such emergency measure are:

• The City has recently experienced several requests for parolee homes within the residential zones, especially within the single-family residential zones.

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- Given the interest in this type of use, there is a need to immediately establish more stringent regulations to address potential land use impacts to surrounding residential properties and neighborhoods that may otherwise result from an excessive concentration of such uses.
- Recent changes to state laws that regulate the establishment and operation of parolee homes and group homes alike, give local jurisdictions an option to adopt ordinances to monitor the number of such homes being established in specific areas or sections of a city.
- Regulation of the concentration of parolee homes within the City Limits is needed to protect the public safety, and welfare of local residents.
- Studies have shown that parolee homes require added public services from the City and place an undue burden on the public safety and welfare of local residents.
- The ordinance will help to maintain the quality of life in neighborhoods while ensuring that adequate housing of diverse housing types is provided, including parolee homes.

Section 6. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unlawful.

	This Ordin	nance was intro	duced at the regul	ar meeting o	f the City Co	ouncil of the	City of Loma
Linda,	California,	held on the _	day of		and was ado	pted on the	day of
			day of by the following v	ote to wit:			
	Ayes:						
	Noes:	***************************************					
	Abstain:						
	Absent:						
			<u> </u>	1 D . 4 B	A. 4		
			Flo	yd Petersen, I	viayor		
Attest:							
Pamela	Byrnes-O'C	Camb, City Cler	k				

Attachment 2

Council Bill #O-2005-19 (Ordinance)

November 15, 2005

ORDINANCE NO.

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FOLLOWS:

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WHEREAS, the proposed amendment to the Land Use Development Code is consistent with the goals and policies of the City of Loma Linda General Plan, and

WHEREAS, the City has a responsibility to assure adherence to the General Plan in meeting the needs and desires of its residents and the community in general, and

WHEREAS, the Planning Commission of the City has considered these proposed amendments at a duly noticed public hearing on November 9, 2005, and recommended that the City Council adopt the proposed amendments, and

WHEREAS, the Department of Community Development of the City has evaluated the potential environmental impacts that could result from the adoption of an ordinance establishing standards and review procedures for parolee homes in the City, and has found that the proposed zoning regulations are categorically exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines, and

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- C. Parolee homes pose a threat to the health, safety and welfare of the public because they generate a disproportionate number of calls for police services, thus reducing the general availability of police officers to other areas of the community, and unduly pose a burden on police services.
- D. The City Council has received reports from the Police Department that document the occurrence of problems associated with parolee homes that require a substantial level of proactive monitoring to adequately protect the safety and welfare of the residents that reside in the community.
- E. The City Council finds that the overall use and development of land should be designed for the protection of the public health, safety and welfare; that it is important to ensure that the establishment of parolee homes conforms to a plan of logical and orderly development of the land, and that present and future parolee homes be compatible with surrounding land uses; and that incompatible land uses would be aesthetically displeasing, economically detrimental, and harmful to the public health, safety and welfare.
- **Section 2.** Chapter 17.31 is added to Title 17 of the Loma Linda Municipal Code, to read as follows:

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- 1. Existing parolee homes, unless lawfully established prior to the effective date of the ordinance.
- 2. Any changes in the operating conditions from what was originally approved by the city, including, but not limited to, number of parolees.
- 3. Any changes in the operating conditions of existing parolee homes lawfully established prior to the effective date of the ordinance.
- 4. Sale, transfer, or new lease agreement of a parolee home to another individual, entity, etc.
- 5. An existing parolee home discontinued for a consecutive period of thirty (30 days is deemed abandoned and shall be required to obtain a new conditional use permit.

17.31.40 Location Requirements

- 1. In evaluating requests for parolee homes, particular attention will be directed to the physical relationship and proximity of the proposed use to similar uses on the same or surrounding sites, the compatibility of the proposed use with neighboring uses (i.e., schools, parks, and other similar uses), and ensuring that no adverse effects on the public health, safety, or general welfare will be created by the proposed use.
- 2. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 660 feet away from an existing or proposed school, park, religious institution, hospital, youth facility, or other similar uses.
- 3. When a conditional use permit for a parolee home is requested, other than for a renewal or ownership transfer, it should be a minimum of 1,320 feet away from an existing parolee home or other similar uses.

17.31.050 Operational Requirements

4.

In addition to any other conditions imposed by the Planning Commission pursuant to Chapter 17.30.210 of this Code to safeguard the public health, safety, and general welfare, a conditional use permit for a parolee home shall meet the following conditions:

- 1. Each parolee home or "parolee home" unit is limited to a maximum number of six (6) parolees with each bedroom not exceeding two (2) parolees.
- 2. Multi-family residential projects with less than twenty-five (25) units shall be limited to one (1) "parolee home" unit.

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- 3. Multi-family residential projects with twenty-five (25) or more units shall be limited to two (2) "parolee home" units.
- 4. City staff shall prepare an annual status report on the parolee home for the Planning Commission's review and consideration.
- 5. The property owner or a designated on-site manager must live on the site of the parolee home.
- 6. The police department shall be provided a weekly update of the names of all parolees currently living at the parolee home.
- 7. Each Parolee home or "parolee unit" shall obtain and maintain any and all required state or federal permits, with notice thereof to the City, and shall comply with all state and federal laws and regulations.

17.31.060 Revocation

Pursuant to Chapter 17.30.460 of this Code, the planning commission may revoke a conditional use permit. The revocation hearing must be noticed and a public hearing as required in Chapter 17.30.415 of this Code and the planning commission must make the necessary findings to revoke the conditional use permit as set forth in Chapter 17.30.460 of this Code.

Section 2. Penalties. If any person shall violate any of the provisions of this Ordinance, or fail to comply with any of the mandatory requirements of this Ordinance, he shall be guilty of an infraction. Any person convicted of an infraction under the provisions of a City Ordinance shall be punishable by (1) a fine of not more than one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Ordinance within one year and (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same Ordinance within one year. Each such person shall be deemed guilty of a separate offense for every day during such portion of which any violation of this Ordinance is committed, continued or permitted by such person, and shall be punishable therefore as provided by this Ordinance.

Section 3. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. Posting. Prior to the expiration of fifteen (15) days from its passage, the City Clerk shall cause this Ordinance to be posted pursuant to law in three (3) public places designated for such purpose by the City Council.

Section 5. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unlawful.

Page 5 This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the _____day of ____ and was adopted on the _____ day of ____ by the following vote to wit: Ayes: _____ Noes: _____ Abstain: _____ Absent: _____ Floyd Petersen, Mayor Attest:

Ordinance No.

Pamela Byrnes-O'Camb, City Clerk

Attachment 3

Ms Herbert's Letter

November 15, 2005

LL Public Hearing

Name - Minutes - Support of DCA 05-01

Time Allowed - Limited Examples Provided

Last Year and a Half - Newspapers/TV/Radio

Publicized Neighborhood Concerns on the Issue of Parolee Homes

Areas such as Fontana, Phelan, Yucaipa, Meade Valley, Norco, Redlands, E. Highland, Rialto, Pomona, Sylmar, Bakersfield and so on...

Sense of community outrage for the following reasons

- 1. Neighbors discovery of parolees (rapists, sexual offenders) living next door
- 2. Lack of notification from any official agency that had placed them
- 3. Placement of parolees without regard to schools, day cares or the density of children living in close proximity
- 4.Lack of appropriate regulation and resolution of problems by the licensing agencies, or if an unlicensed home, no agency to speak to
- 5. Realization that city officials had no authority to resolve the issues
- 6. Documented retalitory behaviors by group home residents

Singular Solution - Neighbor protests, documentation, and media coverage shut homes down - Takes 12-15 months - Safety of parolees/not community

Complicated Socio-Political Issue for all of California

Budget cuts = staff cuts

No room in jails = placement in community

AB 632 - 15 member management board - oversee SO's and coordinate placement - Gov.'s veto causing ordinances to be adopted city by city

Semantics

There are no "parolee homes" per se - we hear group home, sober living home, transitional home, 1/2 way house, rehab

Think group home - think elderly, DD, or children Ex. Staters - Mens Clubs Think juvenile - don't think of parolee behaviors

RCCL Agency oversees group home licenses for Riv/SB Juveniles Alpha, Numeric with 4I - Homi, Suic, SO Sealed criminal records - no ID on Meagans Law 11 applications in Lancaster/Palmdale now for these homes Although closed, Clover St - still provisional

When they say "No more than 6" Pomona - 3 bed - 12 6/6

72 Hr. License Flipping - 4A to 4I - Redl/Phelan or No licensing for SLH - then no notification requirement

No accountability

CCR's not valid - Penal Code 1618 State of CA. - providers subcontracted Providers under LLC - fairly new - to shield its members from creditors claims and third party litigation - research shows PO Boxes - Cell phones Public Information - allows 2 vs. 100 copies - delays in receipt - changes in documents

Even when citizens complain of resident abuse - 10d lag

Staffing - 18 y/o HS GED 6 mos exp DD not adequate

No density requirements - 26 new apps for Bakersfield alone where 38 homes already exist - apps for 13-17 y/o, 4I, Ca Youth Authority

LL Population 21K

deteriorate infrastructure, and safety/quality of life city has tried to build

SB County - more than share of parolees

Cucamonga 155K/82 City population vs. sexual offenders

SB 196K/473

Santa Clarita 165K/85 Lancaster 130K/302

Irvine 172K/22 Fullerton 134K/122

S.O.'s

LL	10/2
GT	9/1
Colton	54/6
Redl	170/?

165K prisoners in CA

95% return to community 67% violate parole, commit new crimes

67K are SO's

Controls for:

InterAgency agreement Change in licensing timelines

density of homes Ex. Scotch 25 homes - how many group homes? control board for neighbor complaints - don't want media attn in LL POA for police response Phelan - shots fired woman scream - 3 hrs

LA parolees to SB